

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Clerk's Minutes
Before the Honorable Kea W. Riggs**

CASE NO. CR 23-748 KWR

DATE: September 18, 2024

TITLE: *USA v. Solomon Pena*

COURTROOM CLERK: C. Bevel

COURT REPORTER: A. Lynch

COURT IN SESSION: 9:09AM-9:46AM

TOTAL TIME: 37 minutes

TYPE OF PROCEEDING: PRETRIAL CONFERENCE

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Jeremy Pena, Patrick Cordova, Ryan
Crosswell

ATTORNEYS PRESENT FOR DEFENDANT(S):

Elizabeth Honce

PROCEEDINGS:

9:00am Court in session, counsel enter appearances, defendant present in custody. Court addresses counsel, trial set for Monday, September 23, 2024, counsel indicate they are ready for trial. Court expects counsel and defendant present in courtroom by 8:30 a.m. Court will issue opinion on Clements testimony soon, objections to jury instructions due Monday, court addresses counsel regarding proposed verdict form.

9:13am AUSA Cordova can revisit the proposed form of verdict, Ms. Honce requests additions.

9:13am Court owes counsel a ruling on the MIL shot spotter, counsel are cautioned not to mention matters not yet ruled on by the Court. Court addresses counsel regarding limitations of testimony of Mr. Fraser-Paige, Court expects counsel to control all witnesses. Court addresses Ms. Honce regarding appointment of counsel for several witnesses. Ms. Honce will be filing a Rule 17 motion to get witnesses subpoenaed. Court recommends that be done as soon as

possible.

9:19am Ms. Honce agrees counsel likely needed for Vegas, Chavira, Griego.

9:20am Court clarifies that counsel have subpoenaed witnesses and made arrangements for custody witnesses to be transported. Court turns to trial schedule and expects no down time, counsel should plan to begin openings after a jury is selected. Counsel should have witnesses lined up and ready. Court inquires about stipulation of trial exhibits. AUSA Cordova will file a notice of stipulated exhibits. Court addresses Ms. Honce on inconsistent exhibit list as filed on the record and what was submitted in the exhibit binder and on JERs disk.

9:25am Ms. Honce will file amended exhibit list that matches the submission of exhibit binder and JERs disk.

9:26am Court turns to process of voir dire, to be conducted in Rio Grande courtroom.

9:27am Counsel requests 1 hour for voir dire. Court will permit 1 hour for each. Court reviews process for jury selection. AUSA Cordova and Ms. Honce request 25 minutes for opening statements. Court will permit 25 minutes for opening statements. Court inquires about alternate jurors, counsel agree 2 alternates will be selected. Court cautions defendant about keeping leg shackles under the table, notes that privacy skirting will be around both tables. Court requests a representative of each party be available to reconcile exhibits at the end of each day of trial.

9:36am AUSA Cordova addresses court regarding schedule on Monday.

9:38am AUSA Crosswell addresses Court regarding timeline demonstrative exhibit (151).

9:41am AUSA Pena addresses Court and request ability to lead a witness.

9:42am Court can take a break and admonish witness if necessary.

9:42am AUSA Crosswell addresses Court regarding 609 and defendant's prior conviction of a felony.

9:44am Ms. Honce addresses Court concerning showing exhibits during opening statements that have not been stipulated to or admitted.

9:45am AUSA Cordova does not anticipate using any exhibits that have not been stipulated to during his statements.

9:46am Court in recess.